

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

3M COMPANY,

Plaintiff,

v.

AIME LLC, et al.,

Defendants.

CASE NO. 2:20-cv-01096-TL

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL AND
REQUIRING DEFENDANTS TO
SHOW CAUSE REGARDING
MONETARY SANCTIONS**

Plaintiff 3M Company moves to compel responses to interrogatories and request for production of documents, as well as for the attorney fees and costs of pursuing this motion. Dkts. 56, 58. Defendants have not responded.

The Court is satisfied that 3M attempted to resolve this discovery dispute without the Court's intervention and that defendants declined to file an opposition brief despite knowing that one was due. The Court therefore considers defendants' failure to file an opposition brief to be an admission that plaintiff's motion to compel has merit. LCR 7(b)(2). Moreover, the Court finds that there is no substantive basis for defendants' recalcitrance in responding to 3M's reasonable interrogatories and request for production of documents. The Court therefore **GRANTS** plaintiff's motion to compel. Dkt. 56. Defendants must provide the missing documents and information in the manner set forth in plaintiff's motion, Dkt. 56, at 5–10, and reply, Dkt. 58, at

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2–3:

1. Document Requests No. 3, 4, 15, 19, 20, 21 (*see* Dkt. 58, at 2–3);
2. Interrogatory No. 2; Requests No. 1, 6, 8 (*see* Dkt. 58, at 3);
3. Requests No. 3, 4, 5 (*see* Dkt. 58, at 3);
4. Request No. 13 (*see* Dkt. 58, at 3);
5. Request No. 19 (*see* Dkt. 58, at 3);
6. Request No. 21 (*see* Dkt. 58, at 3).

Defendants must produce the missing documents and provide a verified answer to Interrogatory No. 2 by **November 25, 2022**. Should defendants violate this order compelling discovery, the Court may set a show cause hearing to consider further sanctions including dismissal of defendants’ counterclaims. 3M may take the depositions for defendants Mark Baciak and Michael Bingham outside of the discovery period. 3M is afforded an extension of time to file a dispositive motion by **January 12, 2023**.

The Court has already admonished defendants’ counsel about unprofessional conduct during discovery and warned that the next violation would potentially bring monetary sanctions. Dkt. 55, at 3. The Court therefore **ORDERS defendants to show cause by November 17, 2022**, why monetary sanctions of \$7,950 should not be levied upon defendants’ counsel for the time expended by 3M in drafting letters, conferring with opposing counsel, and preparing the motion to compel. 3M may file an optional responsive brief regarding monetary sanctions on **November 18, 2022**, at which time the Court will consider whether to order monetary sanctions against defendants’ counsel.

1 DATED this 15th day of November, 2022.

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4 BRIAN A. TSUCHIDA
United States Magistrate Judge